

Pope has expressed concern and frustration that the initial opening for the Church provided by his visit is quickly receding.

Since January, the Cuban Government has continued to block Church access to mass media, limited public Masses and denied permits for Masses, expelled American priest, Reverend Patrick Sullivan, and forced others to flee under harassment, continued to deny autonomy to Caritas, the Church's humanitarian relief agency, restricted visas for clergy to enter and preach in Cuba, and has severely limited the ability of Cuban Protestants to worship in Cuba.

On January 31 of this year, Ricardo Alarcon, President of Cuba's National Assembly, announced that the regime will, quote, not permit the reopening of Catholic and parochial schools.

It is evident to me that Castro is seeking to undo the progress made by the Pope during his visit and return Cuba to the status quo it has lived under for almost 4 decades.

As a recent article in the New York Times pointed out:

Efforts to ease the admittance of foreign priests and nuns have made no apparent progress, nor have pleas that the government scale back controls on Catholic social service agencies that could deliver badly needed food and medical aid from abroad. Permits for religious processions have been denied as often as they have been granted, church officials said, and hopes that the Pope's visit might open up space for religious groups and the State-controlled news media have been mostly dashed.

Without continued calls for democratic change by the international community and the media spotlight on these issues, the opportunity for further change will be lost.

I think it is appropriate that we commemorate Pope John Paul's visit to Cuba and celebrate the religious opening in Cuba created as a result of his visit. But, most importantly, it is essential that the church and the international community build on his visit by refusing to allow the Cuban regime the opportunity to close that window that was open. I hope that we will not let this historic opportunity, the visit of Pope John Paul II, disappear for lack of attention. The people of Cuba deserve this long-awaited opportunity, and we can take advantage of that opportunity. But right now, people in Cuba are still suffering the very realities they were suffering before the papal visit, and while he inspired hope and opportunity, Fidel Castro is quickly closing and snuffing out that hope.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, H.Res. 362, as amended.

The question was taken; and (two-thirds having voted in favor thereof)

the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF THE CONGRESS THAT THE PRESIDENT SHOULD RENEGOTIATE EXTRADITION TREATY WITH MEXICO

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 381) expressing the sense of the Congress that the President should renegotiate the extradition treaty with Mexico so that the possibility of capital punishment will not interfere with the timely extradition of criminal suspects from Mexico the United States.

The Clerk read as follows:

H. RES. 381

Whereas under the Extradition Treaty Between the United States of America and the United Mexican States, Mexico refused to extradite murder suspect and U.S. citizen Jose Luis Del Toro to the United States until the State of Florida agreed not to exercise its right to seek capital punishment in its criminal prosecution of him;

Whereas under the Extradition Treaty Mexico has refused to extradite other suspects of capital crimes; and

Whereas the Extradition Treaty interferes with the justice system of the United States and encourages criminals to flee to Mexico: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the President should renegotiate the Extradition Treaty Between the United States of America and the United Mexican States, signed in Mexico City in 1978 (31 U.S.T. 5059), so that the possibility of capital punishment will not interfere with the timely extradition of criminal suspects from Mexico to the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Indiana (Mr. HAMILTON) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 381.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, the gentleman from Florida (Mr. MILLER) appealed to me some time ago to move this resolution which he sponsored in response to a heinous murder which occurred in his district in the State of Florida.

I recently received a letter from James Bellush whose wife Sheila was a victim of this brutal slaying, in which he wrote as follows, and I quote:

On November 7, 1997, Jose Luis Del Toro, Jr., entered my home in Sarasota, Florida

and murdered my wife, the mother of 6 children. Jose Luis Del Toro murdered her in front of my 23 month-old quadruplets who watched their mother bleed to death. They were in the house with her dead bloody body for well over 3 hours until my 14 year-old stepdaughter came home from school and found this macabre scene.

Mr. Del Toro is a natural born American citizen wanted in context with this murder, and after confessing to his crimes, he fled to Mexico where he has taken refuge within the Mexican Government's interpretations of the provisions of our bilateral extradition treaty and now within Mexico's judicial system.

□ 1815

The United States-Mexico extradition treaty establishes the Mexican Government may, may refuse to extradite persons for crimes punishable by the death penalty. The words "extradition may be refused" in article 8 of the treaty, these nonmandatory words suggest that the Mexican Government could have returned Mr. Del Toro without delay.

Although the State of Florida, clearly for good reason, wished to seek the death penalty, the prosecutors in the case agreed to waive the death penalty at the Mexican Government's insistence. Now Mr. Del Toro still sits in Mexico, appealing the extradition ruling, while Sheila Bellush's family is grieving, deprived of the justice they truly deserve.

Mexico's insistence of not returning United States citizens to face the death penalty creates a safe haven for the worst criminal elements and clearly interferes with the timely extradition of these criminal suspects to our own Nation. I cannot understand the Mexican authorities' fastidiousness. In this case, they chose to refuse to return one of our own citizens to face justice for a horrific capital crime.

Mr. Speaker, let us send a message to the Mexican Government that Jose Luis Del Toro belongs before a jury of his peers under the laws of the State of Florida where he is alleged to have committed his crimes.

Accordingly, I urge my colleagues to join in strongly supporting this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend the gentleman from Florida (Mr. MILLER) and other members of the Florida Delegation for bringing this issue to our attention. The murder on November 7, 1997 was a brutal and unspeakable crime. We are certainly right to want to find a way to ease the suffering of the family of the victim.

While I have reservations about the approach taken by this resolution, which I will state in a moment, I do not plan to oppose the resolution.

Mexico is one of a number of countries that demands that criminals they extradite to the United States not be

subject to the death penalty. Notwithstanding this restriction, Mexico regularly extradites criminals to the United States, including suspects of capital crimes.

It is my understanding in this case that the Florida prosecutor has given the necessary assurances that Mr. Del Toro will not be subject to the death penalty. It is also my understanding that the Government of Mexico has made clear that they want to extradite Mr. Del Toro to Florida, but that the appeals process in the Mexican judicial system, not the requirement regarding the death penalty in the extradition treaty, is holding up his reckoning with the U.S. judicial system. We would all like to see him before a jury in Florida sooner, not later. Reopening the extradition treaty will not I think hasten the arrival of that moment and will likely, more than likely further complicate this and other extraditions that we would like to see from Mexico.

Mr. Speaker, I might just say that it is my understanding that the administration opposes the resolution. Given the constitutional restrictions on the death penalty in Mexico, there is no flexibility for the Government of Mexico to renegotiate a treaty that will not require reassurances against the death penalty. The administration I think also opposes reopening the negotiations on the treaty for fear of losing what it considers important concessions that we won when the treaty was first negotiated in the 1970s. For these reasons, while I do have some reservations about H. Res. 381, I do not oppose it.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. MILLER), the sponsor of this resolution.

Mr. MILLER of Florida. Mr. Speaker, I thank the gentleman for yielding me this time.

I thank the gentleman for bringing this issue before the Committee on International Relations and having it passed, and that it be brought under suspension of the rules here today and be debated and voted on. It is a very critical and very important issue to my constituents back in Sarasota, Florida, because it was a horrible, horrible crime that was committed last November.

What we are concerned with in this legislation is not so much the case of the murder of Sheila Bellush, but for the great concern we have for the future cases that happen in the future, and we would like to be able to answer that problem now.

I would also like to thank Jamie Bellush, the widower of the murder victim in this case, for his determination and his desire to protect other families from living through this judicial nightmare. It is a sad reality of life that sometimes a tragedy must occur to point out a problem that urgently needs correcting. In this case, that

tragedy was the murder of Sheila Bellush, a mother of 6 from Sarasota, Florida.

On November 7 of last year, her 14-year-old daughter returned home to find her mother's body on the kitchen floor. Sheila Bellush had been shot in the face, her throat slashed, and her 2-year-old quadruplets were found crawling in her blood beside her body. It was certainly one of the most gruesome and disturbing murder scenes in Sarasota history.

Overwhelming evidence immediately pointed to Jose Luis Del Toro, a U.S. citizen born and raised in Texas. Del Toro, who had fled to Mexico, was apprehended on November 20 of last year. Sheriff Geoffrey Monge and local law enforcement did an outstanding job in conducting a thorough and expeditious investigation of this case.

This is where the horrifying international saga began. First, Del Toro was scheduled for deportation from Mexico as an illegal alien. Then the Mexican Government, under the authority of Section 8 of the U.S.-Mexico Extradition Treaty of 1978, made a calculated decision to make the death penalty an issue in this case by choosing to switch midstream to lengthy extradition procedures, rather than proceed with the appropriate deportation procedures that were already underway. More than 10 months after the murder occurred, and more than 8 months after our local prosecutor waived the death penalty in this case, Del Toro still remains in Mexico, and the Mexican Government refuses to give us even a broad time frame as to when he will be returned.

Mr. Speaker, this resolution, House Resolution 381, is intended to send a clear and resounding message to both the administration and the Mexican Government: a U.S. citizen who commits a crime on U.S. soil must be subject to U.S. justice.

Mr. Speaker, I wrote letters to Attorney General Reno and I wrote letters to Secretary Albright and no one could do anything to help. By signing the U.S.-Mexico Extradition Treaty of 1978, the U.S. tied our hands behind our back and gave Mexico the right to interfere in our judicial process. This is a loophole that the administration must act to close immediately.

Allow me to share with my colleagues a quote from a district attorney:

To allow a vicious killer to avoid the most severe punishment by merely crossing the border into Mexico would encourage other murderers to seek refuge there, creating an easily accessible sanctuary for the very worst criminals.

This is not a quote from our State's Attorney in Sarasota, this is a quote from Gil Garcetti, the district attorney of Los Angeles. That statement was made in reference to the extradition case of David Alvarez, who fled to Mexico after allegedly committing multiple murders in California. As in the Del Toro case, Mexico demanded that

Garcetti waive the death penalty. An important point to be made about this situation is that it occurred 2 months before the Del Toro case, proving that this is not an isolated situation, and that it can happen again.

Mexico might as well post a sign at the border that says, "Murderers Welcome," and I do not think that is the type of tourist industry Mexico wants to encourage.

Florida State Attorney Earl Moreland and Charlie Roberts, his Assistant State's Attorney, also need to be recognized and commended for their outstanding job on this case, and they have worked professionally and diligently to bring Del Toro to justice in spite of these frustrating and difficult circumstances that we have today.

The people of Florida should have decided whether or not Jose Luis Del Toro's crime warranted the death penalty, not the Mexican Government. As a Member of Congress, I cannot and I will not stand by quietly as Mexico deprives my congressional district of the right to pursue justice. This is an outrage. It is a violation of U.S. sovereignty, and we cannot allow it to happen again.

Mr. Speaker, this resolution sends a clear signal: Eliminate the loophole in this treaty that allows the most dangerous of criminals to escape justice. Sheila Bellush will not have died in vain if we can learn from our lesson with this experience and prevent this situation from happening again.

Mr. Speaker, I thank the gentleman for bringing this resolution to the floor.

Mr. GILMAN. Mr. Speaker, I commend the gentleman for his eloquent remarks and his strong support for this resolution.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BRADY), a member of our Committee on International Relations.

Mr. BRADY of Texas. Mr. Speaker, I thank the distinguished chairman of the Committee on International Relations for yielding me this time.

Today I rise in strong support of House Resolution 381, and I am pleased to be a cosponsor of this resolution introduced by the gentleman from Florida (Mr. MILLER).

Mr. Speaker, this resolution is not a debate about the use of the death penalty. Officially United States policy supports the use of the death penalty, and therefore, our agreements ought to reflect it. This does not mean supporters of the death penalty, which I am one of, relish it, but believe that, in fact, in our country, in our criminal justice system, it is in some parts the only measure of justice many victims of violent crime will ever receive. Our extradition agreements ought to reflect that measure of justice.

We have a constitutional responsibility to renegotiate our extradition treaties for our constituents who have to deal with the tragic loss of a friend or family member. As Mr. Bellush writes,

and as the gentleman from Florida (Mr. MILLER) talked about earlier today, Mexico unfortunately is setting itself up as a safe harbor for murders and capital criminals that commit crimes in the United States. Mr. Del Toro is an American citizen who killed another American citizen on American soil. Mexico has no business holding on to him any longer.

Mr. Speaker, this is not an isolated case. We find this an obstacle in our efforts to stop violence, money laundering, and drug trafficking across our borders, and the extradition treaty becomes an obstacle to justice in those areas as well. I am proud as a representative from Texas to share a common border with Mexico, and we share many commonalities, but we ought to respect each other's criminal justice system enough to allow the laws and the justice of each country to prevail.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DREIER).

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I thank the distinguished chairman of the Committee on International Relations for yielding me this time. I rise in support of this resolution.

I will say that I am a little concerned about the prospect of our engaging in the idea of singling out one country, but I will say that in light of that, it is important for us to recognize that this has happened in other instances in other countries, and it is a problem, it is a very serious problem.

As has been said by several of my colleagues, I just heard the gentleman from Texas (Mr. BRADY) say that this is not an isolated case; there are several instances. I know that the gentleman from Florida (Mr. Miller), with whom I have been privileged to work on this issue for quite a while, did raise the southern California incident of David Spooky Alvarez where we had small children murdered, and again, he fled across the border, and it has been a long and very difficult, painful struggle for many people in southern California.

So we have had instances, as was said in Florida and Texas and other places, and there are other countries too that have been difficult to work with on this.

□ 1830

But I would just like to say that I believe that this resolution is in order, and it is a very appropriate thing for us to pursue.

Mr. GILMAN. Mr. Speaker, I want to thank the vice chairman of the Committee on Rules, the gentleman from California (Mr. DREIER) for his supportive remarks with regard to this measure.

Mr. DAVIS of Florida. Mr. Speaker, I rise in support of H. Res. 381 expressing the sense of the Congress that the President should renegotiate the Extradition Treaty with Mexico so that the possibility of punishment by the

death penalty does not interfere with the timely extradition of criminal suspects from Mexico to the United States.

At this time, I would like to commend my fellow Floridian, Mr. MILLER, for introducing this legislation. As you have all heard, this legislation was introduced after the brutal murder of a mother in Sarasota, Florida. The evidence in this case immediately led to the accusation of Jose Luis Del Toro, a citizen of the United States from Texas. However, when the warrant was issued, Del Toro had already illegally fled the country into Mexico.

Mexican officials captured Del Toro and should have extradited him to Florida immediately to stand trial for the murder of Ms. Bellush. Under the Treaty with the United States, however, they do not have to return individuals, even those who enter their country illegally like Del Toro, when capital punishment remains a possibility.

This case should be of concern to those of us who represent border states. Easy access to Mexico provides the potential of enticing even more criminals to flee the United States in an attempt to avoid punishment for the crimes they commit.

Mr. Chairman, the most disturbing point about this case is that it tarnishes the integrity of our criminal justice system. At a time, when there is a backlog of court cases and our prosecutors are already overloaded, this case has resulted in the unnecessary delay in what prosecutors believe would have been an open and shut case. In addition, our current treaty allows foreign countries to flagrantly disregard the laws of a state because it does not agree with the punishment provided in that state. I was appalled to learn that the United States actually allows Mexico to interfere with our state judicial systems through the Extradition Treaty signed in 1978.

Allowing Mexico the right to continue to deny extradition if the suspect in question is subject to the death penalty is wrong. Our states' laws must prevail in these cases, particularly in murder cases. I strongly encourage the President to renegotiate our Extradition Treaty with Mexico so that more criminals are not allowed to escape the laws of our states. I urge my colleagues to support H. Res. 381.

Mr. DREIER. Mr. Speaker, I rise to insert into the RECORD information compiled by the Congressional Research Service illustrating that many of the United States' bilateral prisoner extradition treaties include this same exception for fugitives who face the death penalty in the United States.

CONGRESSIONAL RESEARCH SERVICE,

LIBRARY OF CONGRESS,

Washington, DC, March 19, 1998.

To: Honorable David Dreier; Attention: Brian Faughnan.

From: Larry M. Eig, Legislative Attorney, American Law Division.

Subject: Capital Punishment Provisions in Extradition Treaties.

We are sending this memorandum in response to a March 12, 1998, telephone conversation with Brian Faughnan of your staff.

The United States is party to over 100 bilateral extradition treaties.¹ Except for our extradition treaty with Venezuela, those extradition treaties that were signed before 1960 were silent on capital punishment. However, as more countries have barred capital punishment,² there has been a concomitant

trend toward including capital punishment restrictions in new extradition agreements.³ Except for recently negotiated agreements with certain eastern Caribbean nations⁴—none of which appears to have barred the death penalty under its domestic law—the inclusion of capital punishment restrictions has become standard. We have yet to find a restricted treaty that has been replaced by an unrestricted agreement.

Treaties that include death penalty restrictions⁵ include agreements with the following: Argentina; Australia; Bahamas; Belgium; Bolivia; Brazil; Canada; Colombia; Denmark; Finland; Hong Kong; Hungary; Ireland; Israel; Italy; Malaysia; Mexico; Netherlands; New Zealand; Norway; Paraguay; Philippines; Spain; Sweden; Switzerland; United Kingdom; and Uruguay.

We have not exhaustively examined each of our extradition treaties, and the foregoing list is illustrative only. Other extradition treaties also may contain death penalty restrictions. Also, the authorities of a requested State potentially may refuse extradition on humanitarian or similar grounds even absent any specific treaty provision. Finally, there are many countries with which we have no extradition treaty, and those countries are not under any obligation to extradite an individual to the U.S. under any circumstances.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, H. Res. 381.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the Chair will now put the question on each motion to instruct conferees and then on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order: Instructing conferees on H.R. 4103, de novo; Instructing conferees on

1997), retrieved March 17, 1998, through <www.amnesty.org>.

³Not all treaties with death penalty restrictions are with countries that bar capital punishment. For example, our recent treaty with Malaysia has a death penalty restriction even though both Malaysia and the United States retain the death penalty.

⁴These countries include Barbados, Trinidad and Tobago, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Dominica, and Antigua and Barbuda.

⁵Capital punishment provisions in extradition treaties do not outright bar extradition for capital offenses from countries without the death penalty. Instead, the provisions generally authorize the requested State to withhold extradition for an offense that is not punishable by death under its domestic law until the requesting State gives adequate assurances that the death penalty will not be imposed and executed if extradition proceeds.

¹See 18 U.S.C. §3181 note.

²Amnesty International, *The Death Penalty: List of Abolitionist and Retentionist Countries* (August